

**Haleakala National Park
Air Tour Management Plan
Planning and NEPA Scoping Document**

March 3, 2004

Prepared by
Volpe National Transportation Systems Center
U.S. Department of Transportation

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Environmental Assessments for the Air Tour Management Plan Program at Haleakala National Park and Kalaupapa National Historical Park

AGENCY: Federal Aviation Administration, DOT

ACTION: Notice of Intent to Prepare Environmental Assessments and Notice of Initiation of Public Scoping

SUMMARY: The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), has initiated the development of Air Tour Management Plans (ATMPs) and environmental assessments for Haleakala National Park and Kalaupapa National Historical Park, pursuant to the National Parks Air Tour Management Act of 2000 (Public Law 106-181) and its implementing regulations contained in Title 14, Code of Federal Regulations, Part 136, *National Parks Air Tour Management*. The objective of each ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural resources, cultural resources, and visitor experiences of the subject national park unit.

In developing each ATMP and any associated rulemaking actions, the FAA is required to comply with the National Environmental Policy Act of 1969, which calls on Federal agencies to consider environmental issues as part of their decision making process. Environmental Assessments are being prepared in accordance with FAA Order 1050.1D, *Policies and Procedures for Considering Environmental Impacts*. The FAA is now inviting the public, agencies, and other interested parties to provide comments, suggestions, and input regarding: (1) the scope, issues, and concerns related to the development of each ATMP; (2) the scope of issues and the identification of significant issues regarding commercial air tours and their potential impacts to be addressed in the environmental process; (3) the potential effects of commercial air tours on cultural and historic resources; (4) past, present, and reasonably foreseeable future actions which, when considered with ATMP alternatives, may result in significant cumulative impacts; and (5) potential ATMP alternatives. The FAA requests that comments be as specific as possible in response to actions that are being proposed under this notice.

DATES:

Scoping Period: The 45-day scoping period was initiated upon publication of a notice in the Federal Register (February 27, 2004). Please submit any written response you may have within 45 days from the date of the Federal Register Notice, or no later than Monday, April 12, 2004.

Scoping Meetings: Public scoping meetings have been scheduled for these projects as follows:

| Subject Park | Date | Time | Location |
|------------------------------------|---------------------------|---------------------|---|
| Kalaupapa National Historical Park | Saturday, March 27, 2004 | 6:00 PM to 8:30 PM | Kaunakakai Elementary School 30 Ailoa Street Kaunakakai, Molokai |
| Kalaupapa National Historical Park | Monday, March 29, 2004 | 12:00 PM to 2:30 PM | Mc Veigh Social Hall Kalaupapa National Park Kalaupapa, Molokai |
| Haleakala National Park | Tuesday, March 30, 2004 | 6:00 PM to 8:30 PM | Hana Community Center (Old Hana School Cafeteria) 5091 Uakea Road Hana, Maui |
| Haleakala National Park | Wednesday, March 31, 2004 | 6:00 PM to 9:30 PM | Mayor Hannibal Tavares Community Center 91 Pukalani Street Pukalani, Maui |

ADDRESSES: Please submit any written response you may have within 45 days from the date of the Federal Register Notice, or no later than Monday, April 12, 2004. Address your comments to:

Docket Management System
Doc No. FAA-2004-17174
U.S. Department of Transportation
Room Plaza 401, 400 Seventh Street, SW.
Washington, DC 20590-0001

You must identify the docket number FAA-2004-17174 at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard. You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing comments in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>. Additionally, comments will be received and recorded at the public scoping meetings.

FOR FURTHER INFORMATION CONTACT: Steve May, Air Tour Management Plan Program Manager, Executive Resource Staff, AWP-4, Federal Aviation Administration, Western-Pacific Region. Mailing address: P.O. Box 92007, Los Angeles, California 90009-2007. Telephone: (310) 725-3808. Street address: 15000 Aviation Boulevard, Lawndale, California 90261. Email: Steve.May@faa.gov

SUPPLEMENTARY INFORMATION:

Park-specific scoping documents that describe the project in greater detail will be available at headquarters of all subject parks as well as the following locations:

- Molokai Public Library, 15 Ala Malama, Kaunakakai, Molokai
- Hana Public and School Library, 411 Hana Highway, Hana, Maui
- Makawao Public Library, 1159 Makawao Avenue, Makawao, Maui
- Kahului Public Library, 90 School Street, Kahului, Maui
- Kihei Public Library, 35 Waimahaihai Street, Kihei, Maui
- Lahaina Public Library, 680 Wharf Street, Lahaina, Maui
- Lana'i Public and School Library, 7 Fraiser Avenue, Lana'i City, Maui
- Wailuku Public Library, 251 High Street, Wailuku, Maui
- Hawaii State Library, 478 South King Street, Honolulu, Oahu
- FAA Air Tour Management Plan Program Website, <http://www.atmp.faa.gov/>
- FAA Docket Management System Website, <http://dms.dot.gov>

Part 1 - Introduction to the Project

A. Introduction

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), has initiated the development of an Air Tour Management Plan (ATMP) for Haleakala National Park pursuant to the National Parks Air Tour Management Act of 2000 (Public Law 106-181) and its implementing regulations contained in Title 14, Code of Federal Regulations, Part 136, *National Parks Air Tour Management*. The objective of the ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural resources, cultural resources, and visitor experiences of Haleakala National Park.

A commercial air tour operation is defined as a flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park or over tribal lands, during which the aircraft flies below a minimum altitude of 5,000 feet (except for the purposes of takeoff or landing, or as necessary for the safe operation of the aircraft), or less than 1 mile laterally from any geographic feature within the park unless more than ½ mile outside the boundary. A commercial air tour operator is any person who conducts a commercial air tour operation.

In accordance with the National Parks Air Tour Management Act, the Haleakala National Park ATMP: may prohibit commercial air tour operations in whole or in part; may establish conditions for the conduct of commercial air tour operations; shall apply to all commercial air tour operations within ½ mile outside the boundary of the National Park; shall include incentives for the adoption of quiet aircraft technology; and shall provide for the initial allocation of opportunities to conduct commercial air tour operations if the plan limits the number of such operations. The need for implementation of any of these measures must be justified and documented in the ATMP and within the Record of Decision.

B. Air Tour Management Plan (ATMP) Development Process

The process is initiated in a particular location following the receipt of an Application for Air Tour Operating Authority from an existing or new entrant commercial air tour operator. The FAA has received applications for Commercial Air Tour Operating Authority from ten existing operators and one new entrant for Haleakala National Park. The ATMP Planning and Environmental Assessment process is summarized in Figure 1. The scoping process has been initiated early in ATMP planning to ensure an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to commercial air tour operations over and within ½ mile of the national park. Following completion of the planning and environmental process, appropriate implementation actions will be taken for the selected ATMP alternative. This may include Federal Rulemaking (see Figure 1).

In developing the ATMP and any associated rulemaking actions, the FAA is required to comply with the National Environmental Policy Act of 1969 (National Environmental Policy Act), and its implementing regulations contained in 40 CFR Parts 1500-1508 (hereafter referred to as “the regulations”). The regulations mandate that the FAA and NPS shall, to the fullest extent possible, interpret and administer the policies, regulations and public laws of the United States in accordance the policies set forth in the National Environmental Policy Act and these regulations (1500.2(a)). The regulations also mandate that the FAA and NPS shall, to the fullest extent possible, use the National Environmental Policy Act process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment and use all practical means, consistent with the requirements of the National Environmental Policy Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment (1500.2(e) and 1500.2(f)). For the purposes of complying with sections 1501.3 and 1501.5 through 1501.8 of CEQ regulations, the FAA is the lead agency and the NPS is a cooperating agency.

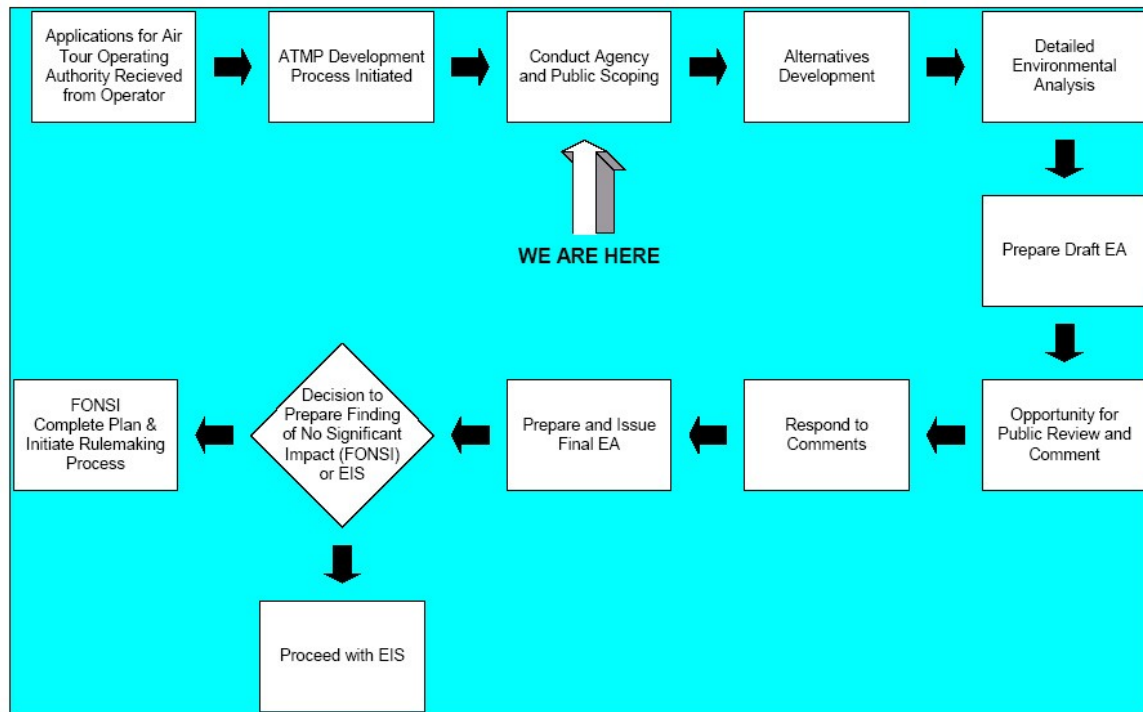


Figure 1 - ATMP Planning and Environmental Assessment Process

The FAA will, in cooperation with the National Park Service, prepare an Environmental Assessment (EA) in accordance with FAA Order 1050.1D. The FAA may decide to proceed with the development of an Environmental Impact Statement (EIS) at anytime during the development of the Environmental Assessment. This notwithstanding, following the planned development of the environmental assessment, either a Finding of No Significant Impact (FONSI) or environmental impact statement will be prepared. Prior to implementation of the ATMP and following any Federal rulemaking actions, a Record of Decision will be prepared.

Additional information on the ATMP Program is available on the FAA's ATMP Website located at www.atmp.faa.gov. Interested parties may request information regarding the development of this and other ATMPs through this website.

Part 2 – Setting

A. Introduction

The discussion below summarily describes the setting for the Haleakala National Park ATMP project. A description of the Park's natural resources, cultural resources, visitor experiences, and commercial air tour activity are provided to assist the public and agencies in the preparation of meaningful comments. The most useful comments are those that address the scope of analysis, present significant issues, and suggest reasonable alternatives to the proposed action with the greatest specificity possible.

The planning area for the Haleakala National Park ATMP project is depicted on Figure 2. The area encompasses the Haleakala National Park and the area within ½ mile outside the boundary of the Park. The National Parks Air Tour Management Act limits the applicability of the Air Tour Management Plan to operations conducted within this area. Although the scope of authority is limited, the FAA recognizes its responsibility under applicable environmental laws to consider impacts on potentially affected resources located in the vicinity of the Haleakala National Park but in excess of a ½ mile outside the boundary of the Park.

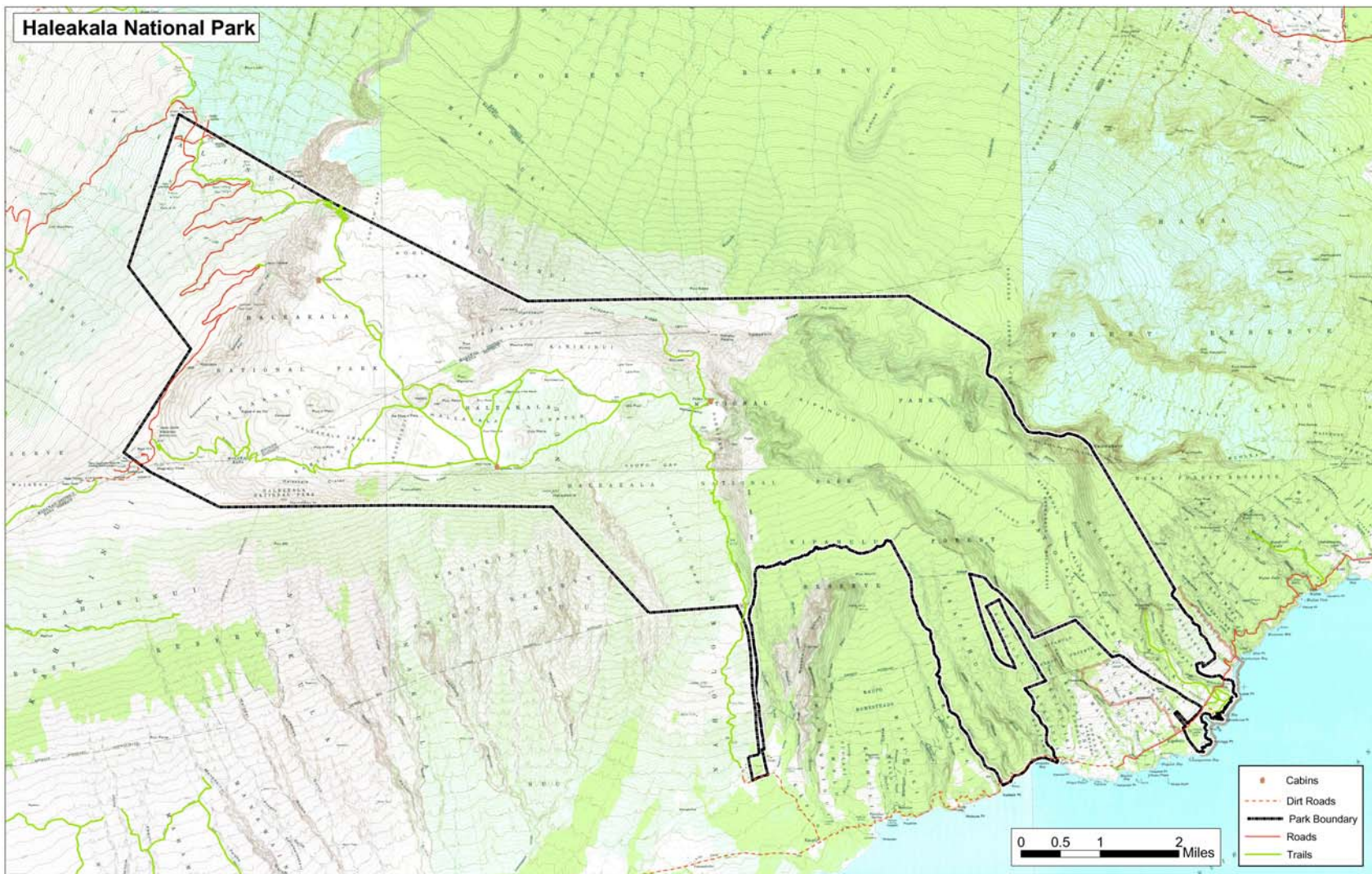


Figure 2 – Haleakala National Park Planning Area

B. Haleakala National Park - Natural Resources, Cultural Resources and Visitor Experience

Haleakala National Park is located in the eastern portion of the island of Maui in the State of Hawaii. The park has an area of approximately 31,083 acres of which 24,719 acres is designated as wilderness. Haleakala National Park was initially established as a unit of Hawaii National Park in 1916 “for the benefit and enjoyment of the people of the United States...and [to] provide for the preservation from injury of all timber, birds, mineral deposits, and natural curiosities or wonders within said park, and their retention in their natural condition as nearly as possible.” Haleakala National Park was established in 1960 as a separate unit of the National Park System to be administered in accordance with the NPS Organic Act. Thus, the purpose of the park is reflected in a key provision of the Organic Act—“to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

The significance of the park can be summarized as follows:

- ❖ Containing unique and rare native vegetation, birds and insects, and highly diverse geological and biological habitat ranging from over 10,000 feet to sea level
- ❖ Containing areas and sites of religious and cultural importance to Native Hawaiians who have been traditionally using them from ancient times up to the present
- ❖ Possessing clean air and water
- ❖ Providing scenic qualities, natural quiet and solitude
- ❖ Providing varied outdoor recreational, educational and research opportunities
- ❖ Having Congressionally-designated wilderness and other internationally and nationally recognized biological reserves and historic sites, structures and districts because of the natural and cultural conditions that make them suitable for these designations.

The summit of Haleakala Volcano has been subject to erosion and the 3,000 ft deep summit depression known as Haleakala Crater contains numerous geological features including 15 prominent cinder cones and numerous lava flows. Pele’s Pig Pen and Pele’s Paint Pot are unique features found along the trails that cross the crater floor. The Summit area of Haleakala National Park contains a high diversity of vegetation types ranging from subalpine shrubland to a sparse cinder desert. The Summit area of the park also contains a wide variety of Hawaiian and non-Hawaiian cultural resources ranging from archeological sites and museum objects to historic buildings and cultural landscapes.

The Kipahulu area of Haleakala National Park extends from the headwall of the Kipahulu Valley southeastwards to the Pacific Ocean. The upper Kipahulu Valley is one of the finest examples of an intact Hawaiian rain forest and along with the upper Hana rain forest is a Scientific Research Reserve. As a result of human activity and the introduction of numerous non-native plant and animal species, the lower Kipahulu Valley has been drastically changed and is predominantly non-native. The Kipahulu and Ka’apahu coasts, however, to contain remnants of native coastal strand vegetation. The Kipahulu area of the park also contains a wide variety of Hawaiian and non-Hawaiian cultural resources ranging from archaeological sites and museum objects to historic buildings. Traditional cultural practices and use of resources found within the park are also showcased in this area of the park through Hawaiian cultural talks and demonstrations.

Fifty federally-listed threatened, endangered, or candidate species of plants and animals are known to occur within Haleakala National Park. The park’s signature plant, the Haleakala silversword, is a threatened species and the endangered *Schiedea haleakalensis* is a small shrub in the carnation family. Both plants occur in the alpine cinder desert and crater walls of Haleakala. Two endemic geraniums (*Geranium multiflorum* and *Geranium arboretum*) and a small shrub in the sunflower family (*Bidens micrantha* ssp *Kalealaha*) are endangered. Endangered bird species include the Nene or Hawaiian goose, the Crested Honeycreeper, the po’o-uli, the Maui Parrotbill, the Maui Nukupuu, the Maui Akepa, and the Hawaiian petrel. The Hawaiian hoary bat is endangered and is found at the upper elevation of the park. Humpback whales, a protected species, and green sea turtles, a threatened species, inhabit the coastal waters of Kipahulu and Ka’apahu. The endangered Hawaiian monk seal has occasionally been spotted off the Kipahulu coastline.

The Park offers a wide range of recreational opportunities for the ground based visitor including day hikes as well as backpacking of several days duration, nature walks, auto touring with scenic overlooks, wildlife viewing, camping, stargazing, and swimming. Horseback riding and cycling down the mountain are available through vendors or by private individuals with their own stock or bicycles. Approximately 1.6 million visitors participated in these activities in 2002.

The primary visitor experience in the park's Summit area is sightseeing – the drive to the summit and the view into the Haleakala Wilderness Area from the west rim of the volcano is the most popular activity. The Haleakala Visitor Center and the Summit Overlook at Pu'u'ula'ula are the two most visited areas at the summit. Several maintained trails, more than 27 miles in length, originate from two trailheads in the summit area and offer opportunities for short walks, or half-day and full-day hikes into Haleakala Crater. The crater also offers three cabins (at Kapalaoa, Holua, and Paliku) and two primitive campsites for overnight use by the public.

Most visitors to the Kipahulu area of the park spend most of their time at the lower pools in 'Ohe'o Gulch. The Waimoku Falls trail is also very popular and leads visitors through a bamboo forest and other native and non-native vegetation terminating at the falls. Visitors are not permitted within the Scientific Research Reserve located in Upper Kipahulu Valley.

C. Commercial Air Tour Activity and Visitor Experience

There are currently ten existing operators who provide commercial air tours over and within ½ mile outside the boundary of the Haleakala National Park. Approximately 26,325 commercial air tour operations are conducted per year. This figure is based on the operator's applications for Air Tour Operating Authority submitted pursuant to 14 Code of Federal Regulations Part 136. In the applications, each operator was required to report the greater of the number of commercial air tour operations conducted during the twelve-month period preceding April 5, 2000, or the average number of commercial air tour operations conducted by the operator during the three-year period preceding April 5, 2000. In accordance with the National Parks Air Tour Management Act and Title 14, Code of Federal Regulations, Part 136, the annual air tour operations over and within ½ mile outside the boundary of the Haleakala National Park are currently capped at the number of operations reported in the operator's application, unless otherwise authorized by the FAA and NPS, or until the ATMP is implemented.

All existing commercial air tour operations at Haleakala National Park are certificated by the FAA in accordance with the requirements of Title 14 Code of Federal Regulations Parts 91 and 135. Special Federal Aviation Regulation, Part 71 applies to all fixed-wing and rotor-wing air tour flights conducted under Visual Flight Rule conditions within the State of Hawaii. Special Federal Aviation Regulation, Part 71 provides procedural, operational, and equipment requirements beyond those required under Code of Federal Regulations Parts 91 and 135. The FAA has proposed national safety standards to govern commercial air tours (Docket No. FAA-1988-4521; Notice No. 03-10) (See Federal Register 60572, October 22, 2003) If this proposed rule is adopted the rule will replace the requirements of SFAR 71 in Hawaii and apply throughout the country.

The NPS and the Hawaii Air Tour Association, Maui member operators have executed a Letter of Agreement regarding the conduct of air tour operations over and within the vicinity of Haleakala National Park. The Letter of Agreement signatory operators have agreed to conduct flights in accordance with a specific "Plan". The provisions of the NPS/Hawaii Air Tour Association, Maui Plan are presented in Figures 3 and 4. Compliance with these procedures is voluntary and occasionally, air tour operations are conducted in a different manner. The procedures in the NPS/Hawaii Air Tour Association, Maui Plan are not currently enforceable as Federal law or regulation.

Those who experience the National Park solely by means of a commercial air tour are considered legitimate visitors to the park although their experience of the park resources and values is quite different in most cases from that of the ground based visitor. The air tour visitor experience often varies depending on weather conditions and the desires of the air tour client/visitor (i.e. length of flight, geographic features of special interest, etc.). Viewing Haleakala National Park is usually only a portion of the typical air tour around east Maui. The experience described below is based on an air tour operation conducted in clear weather conditions and in accordance with the NPS/HATA Plan.

Most of the commercial air tour operations originate from the Kahului Airport located on the north-central part of the Island of Maui. Commercial air tour operations normally approach the Haleakala National Park from the west and south as they climb to altitude. This provides the air tour visitor with a view of the western and southwestern slopes of the Haleakala volcano. Along the southwestern boundary of the Park, air tour visitors view the geographic features of the inside eastern slope of Haleakala summit and the Haleakala Crater area from a distance through and over a notch in the south crater rim. Aircraft often maneuver in this area to provide the best possible viewing for all on board. Unless required for safety purposes, the NPS/Hawaii Air Tour Association, Maui Plan does not provide for direct overflights of the summit and crater areas. From the south crater rim, commercial air tour operations typically proceed across the Kaupo Gap boundary fence, across Ka'apahu to the Kīpahulu area, where direct overflights of the park are allowed for in the NPS/Hawaii Air Tour Association Plan. The air tour visitor is provided an opportunity for viewing of several waterfalls and dense vegetation in the Kīpahulu area. Alternate routes provide opportunities to view the Kīpahulu coastline. From the Kīpahulu area, commercial air tour operations normally proceed around the eastern part of the Island, remaining outside the Park boundary and outside the Hanawi Natural Area Reserve.

Commercial air tour operations may approach the Park along its northern boundary. Along the northern boundary, the geographic features of the eastern slope of the summit and the Haleakala Crater area are again viewed from a distance of about one mile through Ko'olau Gap or from just outside the park at Hanakauhi Peak. Again, aircraft often maneuver in this area to provide the best possible viewing for all on board. From the Ko'olau Gap area, air tours typically proceed directly to the Kahului Airport or to other destinations.

Commercial air tour operations conducted over Haleakala National Park are assessed a fee by the NPS under authority provided in 16 U.S.C. 4601-6a (n)(5)(B). The fee assessed per entry is \$25.00 per aircraft with a passenger capacity of 25 persons or less and \$50.00 per aircraft with a passenger capacity of more than 25 persons. As per the Congressionally-approved Recreational Fee Demonstration Program, 80% of the revenues are used for facility improvement and critical resource protection projects within Haleakala National Park. It is important to note that the fee is only assessed on air tour operations that enter the airspace above the park (within the park boundary). Commercial air tour operations that are conducted in the vicinity of the park but which do not cross the boundary of the Park are not assessed this fee. The FAA is not a party to this fee collection and is not granted any authority by the National Parks Air Tour Management Act to impose, increase, decrease, modify, or otherwise alter or enforce the fees assessed pursuant to 16 U.S.C. 4601-6a (n)(5)(B).

1. **SUPERSEDURE AND EXEMPTIONS:** No pilot will jeopardize his/her safety, the safety of his/her passengers, or the general public to stay within the parameters outlined in this PLAN. The PLAN's procedures will be superseded when conditions of safety so dictate. No provision of this PLAN shall be interpreted or applied in any way contrary to Federal Aviation Regulations (FAR's), including but not limited to SFAR No. 71, "Special Operating Rules for Air Tour Operators in the State of Hawaii."
2. **OVERFLIGHTS:** There shall be no flights over HALE except as provided in items No. 1 and No. 8, which provide for safe operations and a better on-ground park visitor experience.
3. **APPROACH:** For purposes of reducing helicopter noise levels in HALE, OPERATORS may fly at 300 ft. above ground level (AGL) when within one mile of HALE along the south boundary and Kīpahulu area of the park.
4. **SLIDING SANDS TRAIL:** OPERATORS will maintain at least a two-mile radius distance from Sliding Sands Trail Head located at the HALE Visitor Center parking lot. Puu Alii (8200 ft. MSL) located south of the crater rim, is the reference point used to ensure the two-mile standoff.
5. **SOUTH RIM:** OPERATORS will fly outside the park boundary, which is identified by the goat control fence line in the vicinity of the crater rim.
6. **OPERATIONS AT THE "NOTCH":** The "notch" is that depression in the crater rim, which is approximately 3 miles east of the Sliding Sands Trail Head along the south park boundary at 7,000 ft. MSL. OPERATORS must fly in such a manner that minimizes the noise impact inside the crater as much as possible; they will not come to a hover but will maintain at least 40 knots of indicated airspeed. The crater rim will be utilized for terrain masking of noise by flying outside the park boundary as low as safety and FAA regulations allow. As circling causes the greatest noise impact, all turns should be in the makai direction unless a terrain feature is available to block the rotor noise. A turn would generally be initiated then approximately abeam the higher part of the rim which is adjacent to Kapalaoa cabin and completed before arrival back at the notch where the helicopter is unmasked by the terrain. A subsequent turn back to Kaupo would be made in the makai direction to complete a figure-eight flight path.
7. **KAUPO GAP FLIGHT CORRIDOR:** OPERATORS must fly outside the boundary of the park, which is identified by the goat control fence.
8. **KĪPAHULU:** In order to reduce noise along the heavily visited Kīpahulu District Coast line, OPERATORS shall cross (without circling) through the Waimoku falls Corridor at 300 feet AGL. The corridor is defined as a zone lying in a southeasterly/northeasterly direction, 1 mile wide, ½ mile mauka (toward the mountain), and ½ mile makai (toward the ocean) of Waimoku Falls. When weather conditions prevent the use of this corridor, OPERATORS may fly as far makai as necessary to affect a safe crossing.
9. **HANAWI NATURAL AREA RESERVE:** This is a 7,500-acre area on the north side of HALE. This area is delineated by the park boundary fence, which is its up slope (or southern) border extending down slope to the 3,200 ft. contour and bordered on the east by the Heleleikeoha stream (one mile east of Kuhiwa Valley) and on the west by the Kopilula stream (two miles west of Kuhiwa Valley). OPERATORS will avoid overflights of this area completely. If a flight must be conducted through this airspace, the minimum altitude will be 3,000 feet AGL.
10. **HALEMAU'U TRAIL OFFSET:** OPERATORS must maintain 1,500 ft. AGL and fly at least no closer than 1-mile radius from the Halemau'u Trail switch back area.

Figure 3 – Provisions of the NPS/Hawaii Air Tour Association, Maui Plan

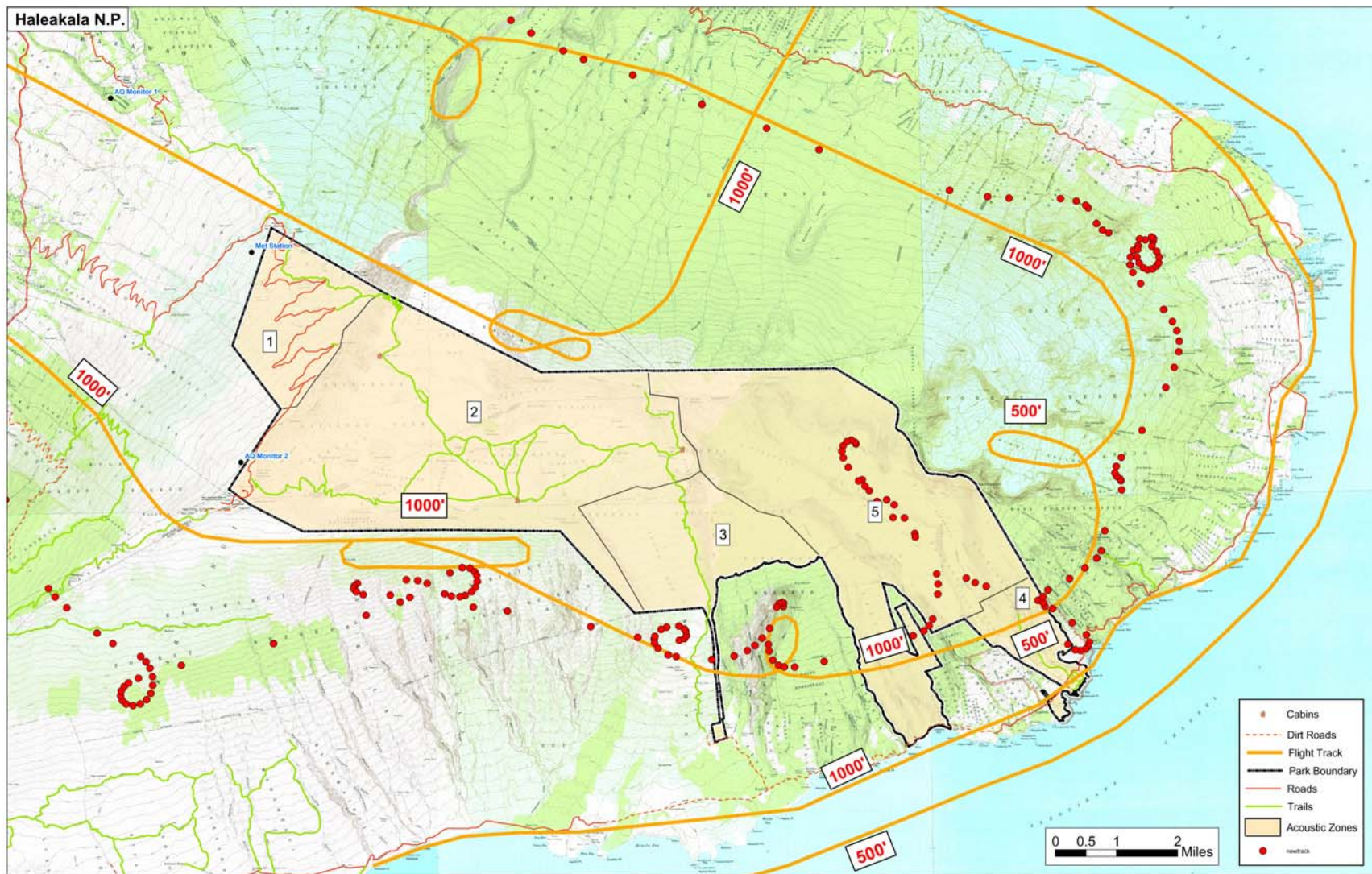


Figure 4 – Approximate Routes Identified in NPS/Hawaii Air Tour Association, Maui Plan

Part 3 - Federal Action and Range of Alternatives

A. Federal Action

The Federal action associated with this project is the establishment of an Air Tour Management Plan (ATMP) for Haleakala National Park, which accomplishes the objective set forth in the Air Tour Management Act of 2000, which is to establish acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, and visitor experiences. The purpose and need for this project stem from the enactment of the Air Tour Management Act of 2000, wherein the U.S. Congress directed the FAA, in cooperation with the NPS, to establish an ATMP for any national park or tribal lands for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. Eleven persons have applied to the FAA for operating authority to conduct commercial air tour operations over Haleakala National Park, which triggers the need to develop an ATMP at this park. Following completion of the ATMP planning and environmental process, appropriate implementation actions will be taken for the selected ATMP alternative. This may include Federal Rulemaking. The FAA and NPS are actively preparing to make a decision on one or more alternative means of meeting the Air Tour Management Plan objective while also complying with the existing legislative, regulatory, and, to the greatest extent possible, the policy mandates of both agencies.

In Section 802 of the National Parks Air Tour Management Act of 2000, Congress found, in relevant part, that (1) the Federal Aviation Administration has sole authority to control airspace over the United States; (2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public and tribal lands; and, (3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations. The relevant FAA legislative, regulatory, and policy mandates are primarily defined by the Federal Aviation Act of 1958 (49 U.S.C. 40103(b)), the Air Tour Management Act of 2000 (49 U.S.C. 40128), and the Department of Transportation Act of 1966 (49 U.S.C. 303(c)). The relevant NPS legislative, regulatory, and policy mandates are primarily defined by the Organic Act of 1916 (16 USC 1, 2-4), the General Authorities Act of 1976 (16 USC 1a-1 through 1a-8), the Redwoods Act of 1978 (P.L. 95-250, 92 Stat. 163, 16 USC 1a-1), and the enabling legislation specific to Haleakala National Park. The determination of significant adverse impacts, if any, for this ATMP will be made by the FAA and the NPS, based on the National Parks Air Tour Management Act of 2000 as well as the aforementioned legislative, regulatory, and policy mandates of the FAA and the NPS, other pertinent environmental laws, and the purposes and values of Haleakala National Park (described in Part 2B of this document).

The Air Tour Management Act of 2000 specifies that the ATMP be developed by means of a public process. This scoping process is one of the early elements of that public process. As a result, a specific “preferred alternative” for the ATMP has not yet been identified. No determination has yet been made on the justification or need for any limitations or restrictions on commercial air tour operations over and in the vicinity of Haleakala National Park with the exception of those specified in existing Federal Regulations. The FAA and NPS preferred ATMP alternative will be identified following scoping and following the conduct of a complete environmental analysis. The FAA and NPS may identify a preferred alternative in the Draft Environmental Assessment, which will be made available for public review and comment.

B. Range of Alternatives

1. No Action Alternative

The environmental impacts of the No Action alternative must be considered for comparative purposes in accordance with the National Environmental Policy Act and the implementing regulation of the Council on Environmental Quality Regulations (40, CFR Parts 1500-1508). This is required even in situations such as this where the FAA and NPS are under legislative command to develop an ATMP. The “No Action” alternative assumes the continuation of the present course of action as can be expected if an ATMP is not developed for Haleakala National Park. For this reason, under the No Action Alternative it will be assumed that the NPS/Hawaii Air Tour Association Letter of Agreement and Plan would remain in effect. It is important to note that the NPS/Hawaii Air Tour Association Letter of Agreement and Plan only applies to commercial air tour operations conducted in rotor wing aircraft, therefore, any commercial air tour

operations conducted in fixed wing aircraft are not subject to the agreement. It is also important to note that compliance with the NPS/Hawaii Air Tour Association Letter of Agreement and Plan is voluntary on the part of the signatory operators and, under this alternative, the level of compliance would remain steady. Under this alternative, the FAA and the NPS would continue to have no federal regulatory authority to enforce the procedures specified in the NPS/Hawaii Air Tour Association, Maui Plan. In addition, the existing caps on the number of commercial air tour operations and the limitations on new entrants imposed under Code of Federal Regulations Part 136 will also be assumed to continue in effect under this No Action Alternative. The No Action Alternative will be more fully described and will be carried forward for detailed analysis in the Environmental Assessment.

2. No Prohibitions, Conditions, Restrictions, or Limitations Alternative

An ATMP alternative that assumes no prohibitions, conditions, restrictions or limitations on commercial air tour operations will be analyzed. The Air Tour Management Act requires any prohibition, condition, restriction, or limitation on commercial air tour operations to be justified. Under this alternative, there would be no caps, limitations, restrictions, or federally specified routes for commercial air tour operations over the Park other than those specified in existing Federal safety regulations.

3. Other Alternatives

The FAA will determine if any mitigation measures are justified and develop other alternatives that will incorporate such mitigation measures as deemed appropriate.

If mitigation measures are justified, a range of potential mitigation measures will be screened for possible use at Haleakala National Park. Table 1 provides a list of potential mitigation measures, which may be utilized either individually or in combination. The Air Tour Management Act specifically authorizes the use of these measures when their use is justified and the need is documented. Additional mitigation measures and alternatives might be suggested by the NPS, as a cooperating agency, and by the public or by other agencies. Such alternatives could be carried through analysis in response to specific issues about the effects of commercial air tour operations on park resources and visitor experiences. Consideration of the impacts of such alternatives may also provide a basis or justification for mitigation.

Table 1 - Potential Mitigation Measures

| POTENTIAL MITIGATION MEASURES – PROHIBITIONS and CONDITIONS | |
|--|--|
| ❖ | In-Whole Prohibition on Commercial Air Tour Operations |
| ❖ | In-Part Prohibition on Commercial Air Tour Operations |
| ❖ | Establishment of Commercial Air Tour Routes |
| ❖ | Establishment of Maximum and/or Minimum Commercial Air Tour Altitudes |
| ❖ | Time-of-Day Restrictions for Commercial Air Tour Operations (Including Curfews) |
| ❖ | Restrictions on Commercial Air Tour Operations for Particular Events |
| ❖ | Maximum Number of Commercial Air Tour Flights Per Unit of Time (Capacity Limits) |
| ❖ | Conditions Necessary for Mitigation of Intrusions on Privacy on Tribal Lands. |
| ❖ | Other Prohibitions or Conditions Necessary for Mitigation of Noise, Visual, or Other Impacts |

Alternatives that are not practicable or otherwise do not satisfy the Purpose and Need for the project would not be carried forward for detailed analysis within the Environmental Assessment. A reasonable number of alternatives and the no action alternative will be carried forward for detailed analysis. A discussion of each of the initial alternatives not carried forward and the reasons for it not being carried forward will be included in the Environmental Assessment. The public will have an opportunity to view the alternatives analysis when the Draft Environmental Assessment is distributed for public review and comment.

C. Provisions Common to All Alternatives

Commercial air tour operators must continue to comply with all applicable requirements of Special Federal Aviation Regulation Part 71 when operating over and within ½ mile outside the boundary of the Haleakala National Park unless otherwise specifically authorized in the ATMP or by the Administrator. This continuing requirement will be assumed for all ATMP alternatives.

As required by the Air Tour Management Act, any ATMP alternative that establishes commercial air tour routes, minimum or maximum altitudes, caps, or curfews shall also include incentives for the adoption of quiet aircraft technology. This requirement will be satisfied for any alternative for which it is applicable. The incentives may include:

- Preferred Routes (if any routes are proposed)
- Preferred Altitudes (if any maximum or minimum altitudes are proposed)
- Partial or Total Relief from Caps (if any caps are imposed)
- Partial or Total Relief from Curfews (if any curfews are imposed)
- Other Appropriate Incentives

Part 4 - Initial List of Environmental Issues

A. Introduction

For the purposes of preparing environmental documents under the National Environmental Policy Act, the FAA is the lead agency and the NPS is a cooperating agency. The FAA and NPS have executed a Memorandum of Understanding regarding implementation of the Air Tour Management Act and development of ATMPs. The Agencies have agreed, among other things, that the development of ATMPs and associated environmental document(s) under National Environmental Policy Act will be a fully cooperative process recognizing and complying, to the greatest extent possible consistent with the FAA's responsibility as lead agency, with the existing legislative, regulatory, and policy mandates of both agencies. The Air Tour Management Act specifically requires that "...the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the record of decision for the air tour management plan."

FAA Order 1050.1D, *Policies and Procedures for Considering Environmental Impacts*, sets forth specific environmental analysis procedures to be used in preparing Environmental Assessments and Environmental Impact Statements. A copy of the Order is available via the FAA's Website at www.aee.faa.gov/e3/1050pt1d. In accordance with this Order, the impacts (including cumulative impacts) of existing commercial air tour operations and any ATMP alternatives carried forward for detailed study will be evaluated in each of the 18 environmental impact categories listed below.

B. Environmental Impact Categories

1. Impacts on Air Quality (including potential visibility impairment)
2. Impacts on Cultural Resources
3. Impacts on Coastal Resources
4. Light Emissions and Visual Impacts
5. Compatible Land Use Impacts
6. Impacts on use of (consumable) natural resources and Energy Supply
7. Construction Impacts
8. Noise Impacts
9. Impacts on properties protected under 49 U.S.C. 303 (Dot Act 4(f))
10. Secondary (Induced) Impacts
11. Impacts on Farmland
12. Socioeconomic Impacts (including Environmental Justice)
13. Impacts on Fish, Wildlife, and Plants (including Threatened and Endangered Species)
14. Impacts on Water Quality
15. Impacts on Floodplains and Floodways
16. Impacts on Wetlands
17. Impacts of Hazardous Materials and Solid Waste
18. Impacts on Wild and Scenic Rivers
19. Visitor Impacts

C. Initial Issues

One objective of this scoping process is to assist the FAA in determining the scope and the significant issues to be analyzed in depth in the Environmental Assessment. As a result the FAA may identify and eliminate from detailed study the issues which are not relevant thereby narrowing the discussion of these issues in the Environmental Assessment. At this early stage in the planning process, the FAA and NPS are considering the following environmental issues to be particularly important:

- Potential noise impacts
- Potential impacts on visitor experience
- Potential impacts on native Hawaiian culture

The FAA is now inviting the public, agencies, and other interested parties to provide comments, suggestions, and input regarding the scope, issues, and concerns regarding commercial air tours and their potential impacts to be addressed in the environmental process and related to the development of the ATMP for Haleakala National Park.

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